



**Legislative Bulletin.....July 9, 2003**

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**H. R. 74—To direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Gibbons)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, July 16, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The bill conveys to Washoe Tribe of Nevada and California (though in trust kept by the Secretary of the Interior) all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada. The Tribe may use the land to “have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.”

Under the conditions laid forth in the bill, the Tribe:

- “shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;
- “**shall not permit** any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, **gaming**, sale of timber, or mineral extraction); [emphasis added] and
- “shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.”

If these conditions are not followed, the Secretary of Interior after notice and opportunity for a hearing, may revoke the title and the title will revert to the Secretary of Agriculture.

**Additional Information:** According to the Resources Committee, the concept of transferring land on Lake Tahoe for the Tribe's cultural purposes was ratified by a group of Federal, State, and local government leaders in 1997. The Tribe's ancestral homeland includes a 5,000-square-mile area in and around the Lake Tahoe Basin, but it currently owns no land in the Lake Tahoe Basin Management Unit. The Committee further reports that the Tribe historically gathered along the shore of Lake Tahoe for activities such as spiritual renewal, land stewardship, traditional learning, and reunification of tribal and family bonds.

**Committee Action:** The resolution was introduced on January 7, 2003, and referred to the House Committee on Resources, which reported it favorably by unanimous consent on June 23, 2003.

**Cost to Taxpayers:** Based on information from the Forest Service, CBO estimates that implementing H.R. 74 would have no significant impact on the federal budget. According to the Forest Service, the lands to be conveyed currently generate no receipts and are not expected to over the next 10 years.

**Constitutional Authority:** The Resources Committee, in Report No. 108-185, finds authority under Article I, Section 8 of the Constitution (Powers of Congress) but fails to cite a specific clause.

**Does the Bill Create New Federal Programs or Rules?:** The bill conveys 24.3 acres of federal land in Nevada for conditional use to Washoe Tribe of Nevada and California. The Secretary of Agriculture would retain an easement to provide for access to Federal lands adjacent to those that would be conveyed. **According to the General Services Administration (GSA), the federal government currently owns 91.7% of all land in Nevada.**

**RSC Staff Contact:** Sheila Moloney, [Sheila.Moloney@mail.house.gov](mailto:Sheila.Moloney@mail.house.gov); (202)-226-9719

**H.R. 272—To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries (Gibbons)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 272 would direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada. Both parcels of land would have to be used as cemeteries, unless the respective Secretary deems it in the “best interests of the United States” to allow their use as something besides cemeteries. Each parcel is about ten acres.

**Additional Background:** Both parcels contain historical cemeteries (from the 19<sup>th</sup> century) with marked and unmarked graves within Forest Service lands.

According to the General Services Administration, 91.7% of all land in Nevada is owned by the federal government.

**Committee Action:** On April 8, 2003, the Parks Subcommittee held a hearing on this legislation. On June 11, 2003, the full Resources Committee marked up and reported the bill to the full House by unanimous consent.

**Administration Position:** On April 8, 2003, before the Parks Subcommittee, the Associate Deputy Chief of the National Forest System expressed support for the conveyances in this legislation: <http://resourcescommittee.house.gov/108congparks/2003apr08/manning.htm>

On that same day, the Acting Assistant Director for Minerals, Realty, and Resource Protection in the Bureau of Land Management expressed similar support for the conveyances: <http://resourcescommittee.house.gov/108congparks/2003apr08/anderson.htm>

**Cost to Taxpayers:** CBO estimates that the bill would have no significant effect on the federal budget. CBO estimates that administrative costs to complete the proposed conveyances would be less than \$50,000, subject to appropriations.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** In House Report 108-106, the Resources Committees cites constitutional authority in Article I, Section 8 and Article IV, Section 3. Though no specific clauses are cited, Article IV, Section 3, Clause 2 grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

**S. 246—To provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico (Sen. Domenici)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

S. 246 passed the Senate by unanimous consent on June 16<sup>th</sup>. Similar legislation (H.R. 507) has been introduced in the House, but not considered by committee.

**Summary:** S. 246 places 4,484 acres of public lands in New Mexico, including mineral rights, in trust for the Pueblos of Santa Clara and San Ildefonso. Of this amount, 2,484 acres will be added to the Santa Clara Reservation and 2,000 acres will be added to the San Ildefonso Reservation.

The bill stipulates that the trust land cannot be used for any new commercial development.

**Additional Background:** In 1988, the Bureau of Land Management (BLM) declared 4,484 acres of land in northern New Mexico as “disposal property” due to the location of the land and difficulty managing it. These lands are important ancestral homelands to the Pueblos of San Ildefonso and Santa Clara, and the Pueblos have continued to assert claims to them over the years. San Ildefonso is negotiating a settlement of its Indian Claims Commission case—the last such case—and this transfer, while not directly connected to the settlement, will help facilitate a final resolution of the case.

The public land being transferred is almost entirely bordered by the land of the two Pueblos and land administered by the U.S. Forest Service, and access by the general public is limited. On February 15, 2002, the BLM published a notice in the Federal Register of the agency’s intent to withdraw the minerals on the land in aid of legislation for the benefit of the two Pueblos.

**Committee Action:** The House Committee on Resources has not taken action on either S. 246 or H.R. 507.

**Administration Position:** In a May 8, 2003, letter to the Senate, the Department of Interior expressed its support for S. 246.

**Cost to Taxpayers:** CBO estimates that the bill will not significantly affect the federal budget. The bill could affect direct spending, but CBO estimates that any change would be negligible.

**Does the Bill Create New Federal Programs or Rules?:** The bill places land into trust for two Pueblo tribes.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 733—McLoughlin House National Historic Site Act (*Hooley*)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

The House passed H.R. 733 by voice vote on April 8, 2003. The bill was considered by the Senate and passed, as amended, on June 16<sup>th</sup> by unanimous consent.

**Summary:** H.R. 733 authorizes the Secretary of Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site. The land may be acquired from willing sellers by donation, purchase, or exchange.

The Senate amendment made two changes of note to the previously passed House bill. The findings in the bill have been removed and the bill changes the name of the McLoughlin House National Historic Site to the McLoughlin House.

**Additional Background:** The McLoughlin House National Historic Site in Oregon City, Oregon was once home to Dr. John McLoughlin. He crossed the Rockies in 1824 and established Fort Vancouver in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon. Fur trader, developer, doctor and mayor, Dr. McLoughlin became known as the “Father of Oregon,” and the McLoughlin House was restored to honor his life and accomplishments.

In 1941, Congress designated the McLoughlin House a National Historic Site (it continued to operate under the direction of the McLoughlin House Association, as it had since 1910). When Fort Vancouver National Historic Site was established in 1948, the National Park Service (NPS) entered into a formal agreement with the Association to work cooperatively together.

In 2000, the Association approached the NPS concerning the possibility of the agency’s assuming administration of the site. The Association lacks appropriate funds to maintain the historic houses and has asked that the NPS acquire the site.

**Committee Action:** The Resources Committee did not consider H.R. 733. However, in the 107<sup>th</sup> Congress, the Committee did hold hearings and mark-up an identical bill (H.R. 3434).

**Cost to Taxpayers:** CBO estimated that identical legislation in the 107<sup>th</sup> Congress would cost \$2.7 million over five years to acquire, repair, and operate the site.

**Does the Bill Create New Federal Programs or Rules?:** The bill authorizes the acquisition of land for inclusion in the National Park System.

**Constitutional Authority:** Although a committee report for H.R. 733 is not available, the report for H.R. 3434 cited Article I, Section 8, but failed to cite a specific clause.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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**H.Res. 303—Honoring Maynard Holbrook Jackson, Jr., former Mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death (*Lewis*)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 303 resolves that the House:

- “(1) honors the life and accomplishments of the Honorable Maynard Holbrook Jackson Jr.;
- “(2) recognizes the legendary compassion exhibited by the Honorable Maynard Holbrook Jackson, Jr. as a civil rights leader; and
- “(3) extends its condolences to the Jackson family and the City of Atlanta on the death of a remarkable man.”

**Additional Background:** Maynard Holbrook Jackson, Jr. became the first African-American Mayor of the City of Atlanta in 1973. He served as mayor of the city from 1973 to 1981 and from 1989 to 1993. According to the resolution, Jackson was a “**strong supporter of affirmative action, civil rights, and the expansion of social and economic gains for minorities.**” Jackson died on June 23<sup>rd</sup> of a heart attack.

**Committee Action:** H.Res. 303 was introduced on June 26 and referred to the Committee of Government Reform. The committee passed the resolution by voice vote on July 10.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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**H.Con.Res. 208—Supporting National Men's Health Week (*Cummings*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 208 would resolve that Congress:

- “supports National Men's Health Week; and

- “requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.”

**Additional Background:** National Men's Health Week, which was June 9-15, 2003, is intended to increase the awareness of preventable health problems and encourage early detection and treatment of diseases prevalent in men and boys. National Men's Health Week was established by Congress and first celebrated in 1994.

According to the resolution, men continue to live an average of six years less than women, and black men have the lowest life expectancy of all men. Additionally, all ten of the leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men more than women.

For more information on National Men's Health Week, and to see the dates for future Men's Health Weeks, visit this website: <http://www.menshealthweek.org/>

**Committee Action:** On June 19, 2003, the Government Reform Committee marked up and favorably reported the resolution to the full House by voice vote.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Con.Res. 6—Supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month (Stearns)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 6 would resolve that Congress “supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.” The resolution asserts that “the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease.”

NOTE: there is currently no regularly established Chronic Obstructive Pulmonary Disease Awareness Month.

**Additional Background:** According to the resolution, chronic obstructive pulmonary disease (“COPD”) is primarily associated with emphysema and chronic bronchitis. As COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing the larger ones. An estimated ten million

American adults have been diagnosed with COPD, and nearly 119,000 American adults died of COPD in 2000, making it the fourth leading cause of death in the United States.

For more information on COPD, visit this website:

<http://www.nlm.nih.gov/medlineplus/copdchronicobstructivepulmonarydisease.html>

**Committee Action:** On June 19, 2003, the Government Reform Committee marked up and favorably reported the resolution to the full House by voice vote.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Res. 194—Regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan (*Capuano*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 194 would resolve that:

- “slavery, under any circumstances, is an unconscionable practice;
- “the subjection inherent in slavery inevitably leads to other abuses, including torture and rape;
- “human rights abuses and slavery in Sudan remain a matter of the most profound concern;
- “the United States must resist attempts to ignore or condone these outrages;
- “the United States must support the maintenance, by the United Nations Commission on Human Rights, of Sudan as an ‘Item 9’ country, requiring a Special Rapporteur; and
- “the United States should encourage the United Nations to consider reinstating sanctions against Sudan and urge the European Union, the African Union, and all others who express concern for human freedom and dignity to be engaged in activities that will convince Sudan to abolish slavery and respect human rights.”

**Additional Background:** The resolution points out that the efforts of the government of Khartoum to subjugate the peoples of the southern Sudan have led to the death of more than two million people and the displacement of another four million people. The 2001 State Department Country Report on Human Rights estimates that between 5,000 and 15,000 Dinka women and children have been abducted during the past 15 years, and that between 10,000 and 12,000 persons remain in captivity.

The Special Rapporteur for Sudan to the UN General Assembly concluded, on November 4, 2002, that the grim human rights situation in Sudan remains. At the 59<sup>th</sup> session of the UN

Commission on Human Rights , a majority of the Commission voted to change the status of Sudan from “Item 9” (which is a country with extreme human rights problems that justify the appointment of a Special Rapporteur to investigate and report on such abuses) to “Item 19” (which implies an improving human rights situation and removes the authorization for a Special Rapporteur). Russia, China, and all but one of the African members of the Commission voted to upgrade Sudan's status to an “Item 19” country. Uganda was the lone African country to not vote for the change in status, as it abstained from voting. For more details on this session, visit this website: <http://www.humanrights-usa.net/>

**Committee Action:** On June 4, 2003, the Subcommittee on Africa marked up and favorably referred the resolution to the full International Relations Committee by voice vote. On June 12, 2003, the full Committee marked up and favorably reported the resolution to the full House by unanimous consent.

**Administration Position:** At the 59<sup>th</sup> session of the UN Commission on Human Rights, Jeane Kirkpatrick, head of the U.S. delegation stated that, “the current status of respect for human rights in Sudan merits the continued scrutiny of this Commission. The newly renewed state of emergency permits citizens to be arbitrarily detained and mistreated for airing political views. Traditional slavery by means of the abduction of women and children by government-sponsored militias continues unabated, and the religious freedom promised in law is not respected in practice. We judge that the Special Rapporteur for Sudan plays an important role - and one that must be continued - in encouraging greater respect for human rights in Sudan.” For Mrs. Kirkpatrick’s complete statement, visit this website: <http://www.humanrights-usa.net/statements/0401KirkpatrickItem9.htm>

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Con.Res. 80—Expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa (Boehlert)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, July 16<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 80 would resolve that:

- “the United States should support efforts to facilitate the establishment and development of transfrontier conservation areas in the Southern African Development Community (SADC) countries; and

- “nongovernmental organizations and foundations in the United States should be encouraged to support and promote sustainable economic development and benefits through the preservation of wildlife in peace parks on an expanded and inclusive basis to the benefit of the countries concerned and their people.”

**Additional Background:** The Peace Parks Foundation (founded as a non-profit company in South Africa in 1997) facilitates the establishment and development of “transfrontier areas,” which are parks stretching across two or more countries. According to the resolution, such transfrontier areas do not “compromis[e] national sovereignty [yet allow] the free movement of humankind and animals across international borders within the peace park and thereby contribut[e] to economic development, job creation, and peace and understanding between the countries concerned.”

Eight transfrontier conservation areas totaling about 232,000 square miles are supported by the Peace Parks Foundation. Nelson Mandela is the Patron Emeritus of the Foundation. For more information, visit this website: <http://www.peaceparks.org/>

Under the African Elephant Conservation Act, the U.S. Fish and Wildlife Service (USFWS) gave \$98,963 in grants to the Peace Parks Foundation between 1998 and 2000 (according to a USFWS report). The Peace Parks Foundation has a foreign agent in downtown Washington, DC, responsible for soliciting U.S. support.

**Committee Action:** On June 4, 2003, the Subcommittee on Africa marked up and favorably referred the resolution to the full International Relations Committee by voice vote. On June 12, 2003, the full Committee marked up and favorably reported the resolution to the full House by voice vote.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718